

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

**Master File No. 1:00 - 1898
MDL 1358 (SAS)
M21-88**

This Document Relates to:

*New Jersey Department of Environmental
Protection, et al. v. Atlantic Richfield Co., et al.*
No. 1:08-cv-00312-SAS

(JOINT PROPOSED) SUGGESTION TO REMAND

On January 3, 2008, the Judicial Panel on Multidistrict Litigation transferred the case captioned *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, Case No. 08-cv-00312 (S.D.N.Y.); 3:07-cv-5284 (D.N.J.) (the "Action"), to this Court for coordinated and consolidated pretrial proceedings in MDL No. 1358. The Action involves alleged contamination of groundwater with methyl-tertiary butyl ether ("MTBE") at thousands of sites in the state of New Jersey.

On March 11, 2010, this Court issued Case Management Order #60, which set forth a procedure for the parties to select a subset of those sites (the "Trial Sites") on which fact and expert discovery would proceed. The Trial Sites are:

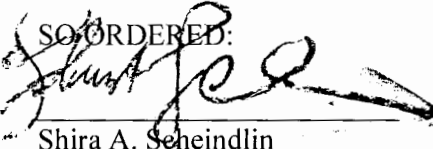
<u>Site ID #</u>	<u>Site Name</u>
# 2156	Skyline Service Center
# 4476	Valero/APCO
# 6187	West Windsor Getty
# 8857	Livingston Exxon
# 9224	Bloomfield Sunoco
# 10792	Maple Shade CITGO
# 11126	Baker's Waldwick Gulf
# 11346	Shell Ridgewood

<u>Site ID #</u>	<u>Site Name</u>
# 15442	5 Points BP
# 41958	HP Delta
# 4215	Tinton Falls Boro DPW Facility
# 4318	Leonardo State Marina
# 4729	Colts Neck DPW Garage
# 8076	NJDOT W. Orange Maintenance Yard
# 13363	Camp Pedricktown WWTP
# 15814	RC Cape May Holdings Corp.
# 42523	Scarborough Office Tank
# 59237	Tamcrest Country Club
# NJ0609001	NJ State Prison Bayside

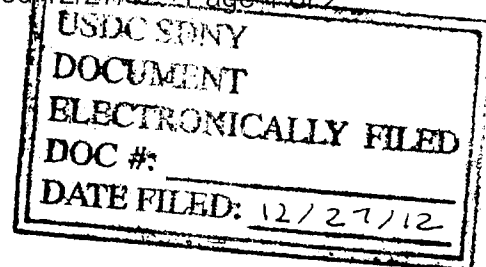
The Court hereby finds that discovery on the Trial Sites has been substantially completed and that the coordinated and consolidated pretrial proceedings have run their course with respect to claims related to the Trial Sites.

The Court therefore suggests that the Panel remand to the United States District Court for the District of New Jersey all remaining claims as to the Trial Sites – consistent with CMO 107 (attached)¹ – for all further proceedings, including additional pretrial and trial proceedings. As of this time this Court will retain jurisdiction over the remainder of the Action in order to conduct coordinated and consolidated pretrial proceedings.

Dated: New York, New York
February 24, 2015

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.

¹ Due to settlements and rulings that occurred after entry of CMO 107 the only defendants remaining at the trial sites are: Sunoco, Mobil, ExxonMobil, Getty Properties Corp., Getty Petroleum Marketing Inc., Gulf Oil Ltd. Partnership, Cumberland Farms, Shell, BP, and ConocoPhillips.



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS LIABILITY
LITIGATION**

This document relates to:

*New Jersey Department of Environmental
Protection v. Atlantic Richfield Co., et al.*
No. 08 Civ. 00312

Master File No. 1-00-1898
MDL 1358 (SAS)
M21-88

SHIRA A. SCHEINDLIN, U.S.D.J.

[Pls' Proposed] CASE MANAGEMENT ORDER NO. 107

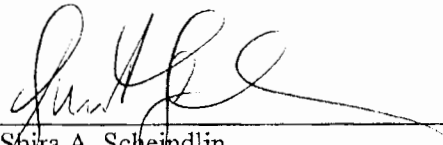
After conference with the parties, it is hereby ORDERED that Plaintiffs' claims with respect to the nineteen Trial Sites are limited to only the defendant or defendants identified below for each Site:

Trial Site Name (Site ID #)	Identified Defendants
Skyline Service Center (# 2156)	Sunoco; Texaco; CITGO; Chevron
Valero/APCO (# 4476)	Valero; Mobil; ExxonMobil
West Windsor Getty (# 6187)	Chevron; Texaco; Getty Properties Corp.; Getty Petroleum Marketing, Inc.
Livingston Exxon (# 8857)	ExxonMobil
Bloomfield Sunoco (# 9224)	Sunoco
Maple Shade CITGO (# 10792)	Hess; CITGO
Baker's Waldwick Gulf (# 11126)	Gulf Oil Ltd. Partnership; Cumberland Farms; Chevron
Shell Ridgewood (# 11346)	Shell
5 Points BP (# 15442)	CITGO; BP
HP Delta (# 41958)	Getty Properties Corp.; Texaco; BP; CITGO; ConocoPhillips; Chevron
Tinton Falls Boro DPW Facility (# 4215)	NONE
Leonardo State Marina (# 4318)	CITGO; Coastal
Colts Neck DPW Garage (# 4729)	NONE
NJDOT W. Orange Maintenance Yard (# 8076)	Gulf

Camp Pedricktown W WTP (# 13363)	NONE
RC Cape May Holdings Corp. (# 15814)	NONE
Scarborough Office Tank (# 42523)	NONE
Tamcrest Country Club (# 59237)	NONE
NJ State Prison Bayside (# NJ0609001)	Coastal

SO ORDERED:

DATED: New York, New York
December 24, 2012


Shira A. Scheindlin
U.S.D.J.